City of Lafayette
Public Meeting Agenda
City Council Special Meeting

MINUTES

Lafayette Community Center -- Sequoia Room **March 10, 2008**
500 St. Mary's Road, Lafayette, California **6:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Anduri and Federighi

Absent: Councilmember Anderssen

Staff: Steven Falk, City Manager; Melanie Donnelly, Attorney; Ann Merideth, Community Development Director

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Anduri) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

4. PUBLIC COMMENTS – None

5. CLOSED SESSION

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Government Code section 54956.9(a).)
David R. Bruzzone, et al. v. City of Lafayette, et al.
Contra Costa County Superior Court Case No. C02 02145
Recommendation: Discuss and direct staff.

B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Government Code section 54956.9 (a)
Security Owners Corp. vs. Richard F. Holmes; Richard F. Holmes vs. City of Lafayette Case No. C-07-00251
Recommendation: Discuss and direct staff.

C. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Gov. Code section 54956.8)
Property APN's 243-030-11, 14, 15, 39
Located on the north side of Mt. Diablo Blvd. between Oak Hill Road and South
Agency Negotiators: Steven Falk, City Manager
Under Negotiation: Price and Terms of Payment

Recommendation: Discuss and direct staff.

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 6:35 p.m. to the Special Joint Emergency Preparedness and City Council meeting. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

APPROVED:

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Mike Anderson, Mayor

ATTEST:

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Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Special Joint Meeting
Emergency Preparedness Commission

MINUTES

Lafayette Community Center – Sequoia Room **March 10, 2008**
500 St. Mary's Road, Lafayette, California **6:30 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:43 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Anduri and Federighi

Absent: Councilmember Anderssen

Present: Emergency Preparedness Commission: Chair Fred Lothrup and Commissioners Michelle Heckle, Sherry Hoover, John Stuart, Jane Walsh and Community Services Officer Cathy Surges-Moscato

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Melanie Donnelly, Attorney; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

4. PUBLIC COMMENT - None

5. COMMISSION REPORT
Emergency Preparedness Commission
Achievements and Goals for 2008/2009
Recommendation: Receive and file.

Chair Lothrup gave a PowerPoint presentation of the Emergency Preparedness Commission's Accomplishments in CY 2007 and said its mission is to plan for and train those who will assist citizens in time of an emergency. He presented the Commission's membership and members in the audience introduced themselves, discussed the following Commission's accomplishments:

- Recommended the content of the automatic gas valve ordinance and the American Red Cross Statement of Understanding;
- Encouraged installation of AED's;
- Worked with County Animal Services on pet and animal disaster preparedness;
- Continued study of pandemic disease hazards;
- Supported the Lamorinda CERT Program;

- Expanded understanding of and preparation for fire, floods, earthquake and pandemic hazards;
- Met with EOP Consultants in formulating the Emergency Operations Plan;
- Maintained connection with County RACES program;
- Maintained dialogue with many local agencies;
- Continued the Neighborhood Meetings Program;
- Served as liaison with local schools;
- Continued with local school organizations and operated LEPC booths and public events.

The Commission's goals for the future include:

- Provide a critique to the City of the new Emergency Operations Plan;
- Maintain communication with City and Architect for the new Library building;
- Advise on EOC and communications development;
- Develop potential action plans for vulnerable population care, pandemic mitigation and pet and animal care in emergencies;
- Serve as the developer of the Chamber of Commerce readiness and recovery scenarios for local businesses;
- Continue to invite experts in various areas to talk about emergency preparations;
- Support Citizens Corps. Council activities;
- Maintain and improve outreach programs;
- Detail the anticipated response to a major disaster;
- Continue to advise the help Lafayette to survive and recover from emergencies and disasters;
- Encourage CERT training for all members of the community, residents, businesses and employees and city government;
- Work with City staff, Fire, Police and Public Works to use CERT for public events.

Chair Lothrup presented upcoming CERT course dates and said those who have missed training classes can make them up in any Lamorinda community.

Commissioner Walsh thanked the City Council for their support and reported she will be resigning. She said she has enjoyed the work immensely, thanked fellow Commissioners and especially Officer Surges-Moscato. She has written many articles on emergency preparedness and met with the Editor of the Lamorinda Weekly who was interested in including those articles in the newspaper.

Councilmember Federighi recognized Commissioner Walsh for her 10 or more years of service and for her Springhill HOA presentation. Commissioner Hoover acknowledged Commissioner Walsh as a champion for all vulnerable populations and a great researcher.

The Council discussed the Emergency Operations Plan and confirmed with Chair Lothrup it could be amended and improved at any time, and comments could be included in a specific amendment section of the document. Officer Surges-Moscato reported that the plan will go to the County OES for review and she will ensure the Commission's input is included in the plan prior to it returning to the Council for approval.

Commissioner Hoover briefly discussed her concerns about the Commission not receiving much response from business owners and what will happen if an emergency occurs, and the group discussed the value of CERT training.

Mayor Anderson and Councilmembers thanked Commission members for their work and presentation.

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 7:01 p.m. to the regular City Council meeting. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

APPROVED:

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Mike Anderson, Mayor

ATTEST:

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Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Meeting

MINUTES

Lafayette Community Center – Manzanita Room **March 10, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:10 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Anduri and Federighi

Absent: Councilmember Anderssen

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Melanie Donnelly, City Attorney; Leah Greenblat, Transportation Planner; Christine Sinnette, Senior Planner; Cathy Surges-Moscato, Community Services Officer; Joanne Robbins, City Clerk; Lisa Harper, Minute Taker

Others: Emergency Preparedness Commissioners Fred Lothrup and John Stuart

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

Councilmember Federighi reported that Item 11-I had been removed from the Agenda, and Mayor Anderson said the Council will move up Item 10-A on the agenda before hearing Item 8-A.

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda, as amended, to remove Item 11-I from the agenda and hear Item 10-A before Item 8-A. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

5. REPORT FROM CLOSED SESSION

Mayor Anderson said the Council had previously met in Closed Session, there was no report from discussions, and the Council would adjourn back into Closed Session after the regular agenda.

6. PUBLIC COMMENTS - None

7. PRESENTATIONS - None

10. PUBLIC HEARINGS

A. Leah Greenblat, Transportation Planner
Addendum to the Master Walkways Plan's Project List to add a project on Stanley Blvd. and Springbrook Road between Camino Diablo and Bacon Way
Recommendation: 1) Find that the additional project is exempt from CEQA and 2) Amend the Master Walkways Plan's project list to include the subject project.

Transportation Planner Greenblat Leah said in the course of developing the Stanley Boulevard and Springbrook Road Traffic Calming Plan, pedestrian safety issues were identified as needing to be addressed. Staff undertook the development of some preliminary engineering to determine how a sidewalk could be incorporated into the City's right-of-way. The sidewalk project proposed to be added is separate from the Traffic Calming project and can be constructed independently or concurrently. The 2006 Master Walkways Plan contains some projects in the area which this project would also compliment.

In the 2006 Plan, there is an existing project to put in sidewalks on Stanley Boulevard between Pleasant Hill Road and Camino Diablo, as well as one on Camino Diablo. The proposed project would put in walkway on the north side of Stanley Boulevard and Springbrook between Camino Diablo and Bacon Way, which would extend the project in the plan. She said as a long range Citywide Plan most of the projects in that plan are unfunded and the City typically pursues grant funding for construction. However, given its proximity to schools and other resources, staff believes this project will be a good contender for grant funding.

Staff has reviewed environmental impacts and recommends the adoption of the Notice of Exemption and adoption of Resolution 08-04 adding the project to the Master Walkways Plan.

Councilmember Anduri questioned the realistic timing of actual grant funding, and Ms. Greenblat said it was hard to predict; there are several cycles for Safe Routes to Schools money the City could apply for and they might need to construct the sidewalks in phases as money becomes available.

The public hearing was opened.

Mayor Anderson said there were many speakers on the item, said some speaker cards referred to Item 10A and some refer to Item 8A. He suggested speakers alert him if their names were not called out.

Public Comments:

DONALD WILLIS said he had a sign on the corner and has picked it up 12 times so far, feels the traffic calming and issues need to be re-addressed and was opposed to adding sidewalks. He said residents living in the block from Bacon to Gilmore Court drew up a petition for no sidewalks, and while residents on Bacon to Warner did not, there were enough people who were against adding sidewalks to their neighborhood.

Councilmember Tatzin questioned why Mr. Willis was opposed to sidewalks, and Mr. Willis said he moved to Lafayette in 1972, considers the neighborhood to be rural and asked that it be kept rural in nature.

JOHN MLYNEK said he lives at 1233 Warner Court, said everyday he walks and bikes in the area, voiced concerns with traffic and safety and believed the problem could be addressed by adding sidewalks, which would separate pedestrians from traffic.

MATTHEW MLYNEK, believes sidewalks are needed because he walks with many other kids, there are very fast cars, and someone might crash into him and his friends.

SARAH GROSS said she has three girls who walk to Ellis, Springhill, Acalanes and Springbrook Pool and if it were not for luck and agility, the girls would not be here today. She believed sidewalks were absolutely necessary all the way up to Bacon, citing dangerous conditions.

JOHN ERICKSON believes the sidewalk issue had a great deal of influence in how traffic calming came about, acknowledged the phasing and delay of installation, and asked that it be done sooner to address safety. He questioned what would happen in the interim with construction at Warner Court, voiced concern over narrower streets, safety margins, and the ability to walk. He encouraged the Council to consider the project jointly, believed sidewalks needed to be installed before streets are narrowed and not vice versa and asked the Council not to leave the children caught up in the two issues.

IVAN WONG voiced opposition to sidewalk installation because he has a full size SUV and if sidewalks were installed, his vehicle would encroach into them. He questioned the safety of children skateboarding and bicycling along the sidewalks and believed he may be ticketed if the sidewalk were blocked.

MARY LYNN MLYNEK thanked the Council for allowing neighbors to continue on with the vote, acknowledged there were many people who did not want the ballot to go out and she reported that 67% of the voters voted which was higher than any democratic primary and most elections in Lafayette. People voted to raise and spend their own money for traffic calming and grant funding for sidewalks, she has letters or recommendations from the schools who want sidewalks, and she reported that 79% of the neighborhood voted for traffic calming from Camino Diablo to Warner Court and 72% voted for sidewalks from Warner Court to Bacon Way.

GENE HOLIT said he is a Circulation Commissioner and lives at 1156 Bacon Way in the study area, has witnessed fast traffic, said people drive from Walnut Creek through the residential area and do not care how fast they are going. The City does not have finances to increase traffic control, wished there were sidewalks on his street and supported installation on Stanley and Springbrook, and people are constantly fighting traffic due to the many events and traffic demand on weekends. He sees absolutely no problem with having sidewalks included on the Traffic Calming Plan, felt it could be staged in such a fashion that within one block you have a curb where the future sidewalk will be, and he asked that they be installed.

ELIZA CLEAVER said lives at 1210 Vacation drive, said she loves to walk, people are scared of speeding cars, the situation is dangerous and she asked the Council to support and approve sidewalks on Stanley Boulevard.

The public hearing was closed.

Councilmember Tatzin questioned and confirmed with Ms. Greenblat that the City has extensive City right-of-way for sidewalk installation, the sidewalks would be 5 feet wide as shown on the plans and approved by the advisory vote of neighbors, and made of concrete to match existing curb and gutter.

Mayor Anderson questioned whether there would be a problem with phasing in of the sidewalks with the traffic calming project, and Ms. Greenblat said staff has reviewed both as being installed independently and concurrently, staff would need to do some coordination of the projects, but she believed there would be no problems associated with the work.

Mayor Anderson said Mr. Wong voiced concerns about his driveway and encroachment of his vehicle into the sidewalk and he questioned whether staff had assessed this. Ms. Greenblat said the City's Associate Engineer working on the design had visited the site, he believes there is enough space in the driveway for the vehicle not to encroach into the sidewalk which is dependent upon how close the owner parks his vehicle to the garage. She said another option proposed by staff will bring out the sidewalk in front of the existing curb; however, on-street parking would be lost by doing so.

Vice Mayor Tatzin said the sidewalks are favored in both areas, the City and neighbors have endured a long process and he recommended approval.

Councilmembers Federighi and Anduri agreed, and Councilmember Federighi cautioned staff to ensure that the City addresses safety concerns during installation.

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the Notice of Exemption for Addendum to the Master Walkways Plan Project List; and adopt Resolution No. 2008-04 adding Stanley Boulevard-Springbrook Road between Camino Diablo and Bacon Way to the Master Walkways Plan Project List. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

8. OLD BUSINESS

A. Leah Greenblat, Transportation Planner
Traffic Calming Project on Stanley Blvd. and Springbrook Road.
Recommendation: Adopt the Circulation Commission's recommendation to approve the project as presented with additional comments to be addressed during the design phase.

Transportation Planner Greenblat said the Stanley Boulevard and Springbrook neighborhoods have been working to develop a traffic calming plan for the last few years. As part of the process, they held a couple of open houses and get-togethers which have resulted in the conceptual plan being further refined to the point where two options were presented to the greater community in early December.

She said the City's Traffic Calming Program has a multi-step approval process that balances the study area with the focus area. On the ballot, two options were considered. The Traffic Calming guidebook has a table that has a sliding scale that, depending upon the outcome in the study area, it sets the criteria for the focus area. Then, if that criteria

is met there is a 2/3 approval requirement from the adjoining property owners that have a measure in front of their house.

The two options were presented to the neighborhood and the plan using pinch points and medians was approved according to the guidebook's rules, as was the case with the Moraga Boulevard Traffic Calming project, with some minor tweaks made to address the threshold standards from the abutting property owners. In those cases staff either removed, relocated or modified measures after consulting with the affected abutting property owner(s). The plan evolved, it was then reviewed by the City's Traffic Engineering Consultant who evaluated the post-vote plan to ensure it was consistent with the original spirit of the option voted on, and as a whole, that the plan would provide significant benefits.

The next step was for the Circulation Commission to review the plan which was done and they unanimously recommended the Council approve the plan in the packet. Separately, the Circulation Commission wanted to bring forth public comments, which include design details that would be evaluated should the project go into a design phase. An issue having to do with the 2/3 voting requirement came up in the case of one affected property having one vote, and the Circulation Commission is considering a modification to that rule, which staff would return to the Council at a later date.

Staff recommends approving the conceptual plan, establish neighborhood matching fund contribution at $30,000 with a deadline of Oct. 31 so that the project could be constructed in the Spring or Summer of 2009 and that the Council indicate its intent to allocate the $70,000 from the existing budget towards the project.

In terms of next steps, if the plan was approved by Council, the first phase that would occur is in response to a grant the City received to address site distance at the Warner curve, as there have been some collisions and hazard elimination funds have been received to correct this. If approved, staff would incorporate the improvements with those changes to address site distance as a stand-alone project. Once the neighborhood raised its matching amount, the City would begin its design phase for the rest of the traffic calming project.

Vice Mayor Tatzin referred to the memo to the Circulation Commission dated February 4 and the Table on Ballot Results on page 303. He asked for the definition of the study area and focus area, how this came to be recommended for approval, what percentage voted for traffic calming, what the vote of the focus area was and how staff came to its recommendation.

Ms. Greenblat said at the first neighborhood kick-off meeting, the City presented a draft study area set of boundaries. The study area captures all of the feeder streets which included Gilmore, Vacation, Barrett Court, Warner, Bacon Way and Bacon Court, and all those that potentially would have a legitimate use of Stanley and Springbrook. The focus area is defined as the area where traffic measures are proposed; Camino Diablo to the City limits on the east end and covering all properties that abut Stanley and Springbrook.

Vice Mayor Tatzin questioned and confirmed that if he is in the study area, he would drive by the changes and the focus area would be the area which involved the traffic calming measure.

Ms. Greenblat said the City distributed 540 ballots that covered property owners in the study and focus areas and also adults who were registered to vote. Based on those returns, a 67% return rate was received. The first question asked was, "Do you support traffic calming" 48% of the study area voters voted in support of traffic calming. They looked at the sliding scale and which indicated that if the study area got 48%, 52% would be needed for approval in the focus area. 72% of the voters in the focus area said they wanted traffic calming, so the threshold was met.

Staff then looked at Option A versus Option B as preferred. The second page of the Table indicates Option A as being preferred. All voters were asked which Option they preferred. In the study area of those who said they wanted traffic calming, 35% said they supported Option A. In the focus area, 65% was needed for approval to pass, and they received 51% return rate in the focus area, but recognizing there was a potential split in Option A and B, voters were given the option to choose either Option A or nothing, Option B or nothing, or Option A or Option B. In looking at the focus area, 16% of voters said if they cannot get Option B they would rather have Option A. When 16% was added to the 51%, a 67% approval rate was arrived at.

The public comment period was opened.

Public Comments:

OLIVER ROTUNDO said he wants to have the sidewalks and wants to slow the traffic down. He and his friends walk and it is dangerous, said cars speed through stop signs, and he voiced concerns with falling away from the curb while walking, biking, strolling and getting hit.

BETTY VANHOVEN, said she and her family live at 1733 Springbrook at the bottom of the s-curve where Stanley meets Springbrook, her family members own three adjacent homes and adults and 12 children walk daily in the area. She discussed the dangerousness of the area, spoke of 5 crashes since 1993 and one fatality since 2000 and believed the measure will make the road a lot safer.

MARIE MLYNEK said she lives at 1233 Warner Court, asked the Council to respect the voting results, said the process was very long, neighbors do not want to endure much more waiting, and wished something could have been done earlier and before the fatality on Stanley Boulevard which was due to speeding. She thanked City staff for their work on the process and asked the Council for approval of the item.

LYNDA ROTUNDO urged the Council to support the proposal for Stanley and Springbrook, said roadways have become unsafe and unfriendly, said very often planning focuses more on traffic than on having people move safely, said the community is comprised of many walkers and felt the project was not only about providing a safe environment but what residents want their future to be. She also thanked City staff who contributed their time, energy and talents to the process.

DON EVANS said he is retired and spends a lot of time on the front porch watching dozens of kids with parents going to and from schools, people walking their pets, elderly people walking down to do laps at Acalanes School, and said the traffic problem has become severe. He asked the Council to take seriously the vote taken of neighbors, acknowledged the opposition to the plan and safety issues, but it is important to

remember that this is a conceptual plan, there are no engineering details, and in the process of doing the final design work, all appropriate emergency response issues will be addressed and urged the Council not to let anything table the issue.

KATHERINE GARVIN said she owns the house at 1632 Springbrook Road, voiced opposition to the plan and traffic calming device in front of her house, asked that the island immediately abutting her property be removed and felt the circumstances were extremely unfair. She said she owns the home and her husband's "no" vote did not count, which she believed was unfair to single property owners. She voiced concerns with the financial negative impact, requested amendment of the 2/3 requirement so there is only one vote per household and asked that it be applied retroactively.

Councilmember Federighi questioned and confirmed the other property owners had two votes on the focus area, and Ms. Greenblat said the calming measure is a pinch point which is needed on both sides of the street. One of the reasons why it cannot be moved to an entirely different pair of properties is because this is the middle section between a stop sign between Bacon Way and the Gilmore Court traffic calming measure. She said staff spoke with Ms. Garvin about shifting the pinch point which is adjacent to her driveway further to the west, which she believed was a better option.

Councilmember Anduri confirmed the other affected property is 1633 Springbrook and two property owners owned the residence and had two votes.

Vice Mayor Tatzin questioned and confirmed that if the owners at 1633 Springbrook had one vote per property, the outcome would result in the calming measure not recommended. Ms. Greenblat said throughout the process, speeding concerns were heard and not counted in the results were homeowners within the unincorporated County area driving from the west, and she discussed speeding habits after a series of stop signs.

Mayor Anderson confirmed there was some sort of calming device close to Gilmore Court to the east and another between that and the stop sign at Bacon Way. Ms. Greenblat said staff looked at different options throughout the process, and there was some interest in the curb bulbs being landscaped, speed humps or no speed humps, and it has been tricky because of the crest of a hill and other factors. Staff also looked at doing an offset of the devices throughout the length but found there are many driveways without the ability to do offsetting.

JOHN ERICKSON said he lives on Bacon Court and has no other outlet other than Stanley or Springbrook, noted he had given the Council 135 valid petitions of people who wanted input on emergency response times, asked the Council not to delay the process, and believed the draft plan will add 2-3 minutes to emergency response vehicles. He discussed the number of calming measures, requested emergency vehicle access be preserved, questioned levels in the guidebook, staff addressing the issues later, the safety and width of streets, added exposure to liability claims for cars hitting medians, and did not believe proper oversight would be given without final plans. He believed the sidewalk and traffic calming measures are intertwine, questioned whether the City would plan to set aside money to do post-traffic calming studies, and questioned whether citizens were actually getting a good bang for their buck with traffic calming.

BRAD MAYBERRY said he represents the Secluded Valley HOA, hoped the plans will take into consideration emergency response times, said Secluded Valley has 30 families may of which have health issues and asked that the final plans have a written rationale as to any delay in response.

DONNA ELDRIDGE said she is a parent of two children who walk a lot, asked to have the traffic calming measures go into effect, said she is a landscape designer and has worked in offices that do roadway designs who agree that the narrower the road, the slower the cars travel. She has made a $1,000 contribution towards the project out of the $30,000 required, she believes the balance is fair between what is needed and what will serve the neighborhood, was surprised that the crosswalk at Secluded Valley was removed from the plan, and asked the Council to move forward and proceed with the project.

GENE HOLIT asked for the plan to come to fruition citing the many meetings held, believed those opposing it have raised the issues of high curbs and raised crosswalks which are non-issues because emergency vehicles can travel over them, believed it was time to make the plan happen and thought it was well worth the investment.

DONALD WILLIS believed the matter was about the wishes of those living on Stanley and Springbrook, said the ballot was very complex and interesting, identifies with the children's safety views, believed the process works; however, he questioned the 51% received and the final calculation to arrive at the threshold.

LUDWIG MLYNEK spoke of the first 40 years of his life growing up in a Communist country where the Council could not get anyone involved in the process. He has lived in Lafayette 30 years, has raised two sons, discussed his son's Eagle Scout project of designing a bike trail from Acalanes to Olympic, said he was impressed with everyone being able to speak out and not everyone being 100% in agreement, believed the Council's role was to find a solution and said it was faster getting to the hospital by traveling on city streets rather than the highway.

MARY LYNN MLYNEK presented a sign; "It's Our Town, Let's Slow Down" which was presented when a car was running the stop signs and ended up killing one person and sending 4 others to the hospital. She said neighbors have been working a long time on the issue, spoke about Stanley and Springbrook being the cut-through between Walnut Creek and Lafayette, said the vote did not include unincorporated property owners along Springbrook who she believed would vote for traffic calming, cited the dangerousness of having to walk in the street and especially during the night and rainy weather, hoped people will use inch points to slow down and said Moraga Boulevard has dramatically slowed since installation of the pinch points. She said the fire station on Mt. Diablo is 1.4 miles away from Vacation Drive which is the same distance as it is to City offices, and she therefore believed emergency response vehicles could expeditiously get to the Secluded Valley neighborhood.

The public hearing was closed.

Councilmember Anduri questioned if post-traffic calming studies had been considered. Ms. Greenblat said when the City adopted the program, one of the things it did was consider a requirement to do post studies; however, given the slim budget, staff contemplated hearing from people if traffic calming was not effective, so the plan does

not call for it. Nevertheless, since Moraga Boulevard was their first location, the Circulation Commission asked staff to conduct follow-up, this Spring traffic radar studies will be taken, and she agreed the behavior is better than the previous situation.

Councilmember Anduri said he believed follow-up would be very valuable to obtain a benchmark as well as a post-study to determine what the results are. Secondly, one speaker mentioned the impact on property values from the pinch points in front of her house and he questioned what people have said about this in general. Ms. Greenblat said it depends on the perspective and a case could be made either way. She said a member of the Stanley/Springbrook Traffic Team was a realtor and she repeatedly said the houses on that roadway had problems selling due to speeding and related it to the lack of sidewalks. So, therefore, speeding and lack of sidewalks could diminish values.

Councilmember Anduri agreed the City and neighbors have spent a lot of time on the matter, said everyone has had an opportunity to talk and vote, the vote is clear that people want traffic calming, and issues raised can be dealt with to the extent they can be given the design details and he supported approval.

Councilmember Federighi concurred, hoped that staff could work with Ms. Garvin on her concerns in front of her home, although if this is the only feasible location and eliminating the pinch point would make traffic calming ineffective, she believed the calming measure should be installed where it was originally recommended. Vice Mayor Tatzin agreed, felt there were pluses and minuses of any plan, arguments could be for safety issues and he hoped that Ms. Garvin's concern could be addressed.

Mayor Anderson agreed, appreciated all the time and effort of everyone, believed the system was a good one, thought the voting tally was confusing but believes the City has a methodology that provides clear guidance about those areas wanting significant change. He recognized the process was slow, but the neighbors should get the support they asked for. He acknowledged the concerns of Ms. Garvin, felt the Circulation Commission could look at the ballot question, but believes there are sacrifices on everyone's part.

ACTION: It was M/S/C (Tatzin/Federighi) to approve the Stanley-Springbrook Traffic Calming Project as presented; establish the neighborhood matching fund contribution at $30,000 with a deadline of October 31, 2008 to submit the match amount in order for construction to occur in the Spring-Summer of 2009; and indicate intent to allocate $70,000 of the existing Traffic Calming Program fund budget pending receipt of neighborhood matching funds. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

B. Glenda Warmoth, Assistant Planner
Letter to the Contra Costa Affordable Housing Program expressing preliminary support for Eden Housing's request for a density bonus subject to environmental analysis being completed when the application for development of an affordable senior housing project is filed with the City.
Recommendation: Authorize the Mayor to sign and send the letter.

ACTION: It was M/S/C (Tatzin/Federighi) to authorize the Mayor to sign and send the letter to the Contra Costa Affordable Housing Program expressing preliminary support

for Eden Housing's request for a density bonus subject to environmental analysis being completed when the application for development of an affordable senior housing project is filed with the City. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

9. STAFF REPORTS

A. Christine Sinnette, Senior Planner

Introduce Ordinance 564 amending Chapter 3-9, Gas Shut-Off Devices of the Lafayette Municipal Code (LMC) and requiring gas shut-off devices in existing residential, commercial, and industrial buildings.

Recommendation: Introduce Ordinance 564 to amend Chapter 3-9, Gas Shut-Off Devices (LMC) and set a public hearing for March 24, 2008.

Senior Planner Sinnette said the Council has been reviewing County Ordinance 2006-44 and Chapter 3-9 gas shut off devices since last April. Issues relating to the necessity for gas shut off devices and their installation prior to the sale of an existing building have been raised.

At the direction of the Council, the issues have been reviewed by the Emergency Preparedness Commission (EPC) and EPC has completed their latest review. As introduced, Ordinance 564 incorporates the recommendations of the EPC by removing the references to seismic gas shut off devices, making the installation of non-motion devices downstream of the gas utility meter voluntary, and requiring installation of non-motion shut off devices only at each connection of a non-fixed appliance to a gas line. The ordinance also incorporates provisions of the County ordinance including the new threshold valuation of $15,000 for additions or alterations and installation of gas shut off devices in residential, commercial and industrial buildings sold on or after July 1, 2008. Staff recommends the Council introduce the Ordinance and set a public hearing for March 24, 2008.

Councilmember Federighi said there have been modifications to the ordinance, the Council will hear about the at-sale provision, but she asked for a quantifiable understanding of how the changes in the ordinance would affect the requirement. Ms. Sinnette said the requirement to install the gas shut off device will occur now at a lower trigger; for anyone coming in for work that requires a building permit, if the value is $15,000 or more, it will require the valve. Someone caught by the trigger of new development or the threshold trigger no longer needs to install a seismic motion shut off device, nor a device at the gas meter or on a non-fixed appliance. All three of those items used to be in the ordinance and are now changed.

Councilmember Federighi asked how many would fall into the non-fixed category as opposed to the fixed category. Mayor Anderson said in the ordinance it says an approved shut off device shall be installed at the connection of a non-fixed gas appliance, which makes sense. Ms. Sinnette said she did not know, she has not evaluated it, and she was not sure it could be counted..

Councilmember Tatzin said setting aside the issue of whether the devices be installed at the time the home is sold, how does the ordinance compare with the Emergency Preparedness Commission's recommendations. Ms. Sinnette said the ordinance follows their exact recommendation. She said the recommendation is to change the City's current ordinance as well as comments on the County's 2006 ordinance.

Mayor Anderson clarified and confirmed with Ms. Sinnette that in this ordinance there is a requirement for the devices at the point of sale in addition to any remodel over $15,000.

Public Comment:

BIELLE MOORE, Contra Costa Association of Realtors, thanked the members of the EPC, said she had attended a couple of meetings, said she is disappointed they are not talking about a public awareness campaign, would still like to offer that one be done and discuss how that might work. She also thanked the staff for providing her documents and information.

Councilmember Tatzin said when the Council started discussing the issue, the Council asked Ms. Moore to work with the EPC to make revisions to the ordinance dealing with the sale and a program for encouraging homeowners to do this on a voluntary basis, with the hope it might result in more installations than might otherwise occur. The Council then heard back that after all discussions occurred, the Board of Realtors concluded and advised the Commission they could not be involved or could not support it conceptually.

Ms. Moore said she sent an e-mail to Councilmembers and Ms. Sinnette and said the problem with the public awareness campaign is that the Contra Costa Board of Realtors cannot sponsor and launch a public awareness campaign. They are a member organization and the offer was to partner with the City, which would involve financial support for brochures, materials, as well as her participation to get the program up and going. The City would have to be involved, she felt it would take very little staff time and the program would have to be under the City's mailing and sponsorship, as it is inappropriate for her as a Government Affairs Director for a member organization to be talking with residents of Lafayette as if she is employed by the City. She believed it is reasonable for the EPC to be concerned about their time constrains and staff's constraints, but she felt the matter got somewhat derailed.

Ms. Moore agreed the process was arduous, she did not believe point of sale was the most effective way to handle the requirement, said she is willing to work on the campaign but all information must come from the City and not from the Board of Realtors.

STEVE FREISER, President Elect, Contra Costa Association of Realtors, said he is joined by members in the audience, said a PowerPoint presentation is included in the packet which illustrates the differences from implementing a point of sale versus a retrofit at building permit. Point of sale method offers no method to track compliance, the County has no record or mechanism by which they can track the installation of valves, it may restrict or derail transactions, major lenders are stating they simply refuse to pay the expense of a retrofit, and this will delay closings, hasty, last minute installations may pose safety hazards and the method presents a slow implementation. With the current housing stock in Lafayette in the range of 8,357 homes at a sales rate last year of 218 transactions, his graph illustrates that after 40 years, the City would not even have 2/3 of the households installed. They offer a quick pace solution to implement the gas valve ordinance called the retrofit-at-permit requirement, which would be administered by the County's Building Inspection Department. It would operate similar to the current smoke

detector requirement at permit, the inspection process would ensure proper and safe installations and the City would have the ability to track compliance with statistics. He said his graph on the last page illustrates that with 1654 permits issued last year in Lafayette, they could have a possible full implementation within 6 years. He also noted the chart that shows the only other cities in California having similar ordinances are Los Angeles and West Hollywood.

Councilmember Federighi questioned if he has discussed with the County the possibility of retrofitting-at-permit implementation, and Mr. Reiser said they plan to go back to them and have spoken with County Supervisors to reconsider the point of sale sometime next year.

Councilmember Federighi questioned if this was feasible for the County Building Department to take on the administration of retrofit-at-permit work. Mr. Reiser said they have confirmed they have no method or numbers to track the installations at point of sale. Councilmember Federighi said her question is whether the Building Department is able to administer the retrofit requirement, and Bielle said when one goes to the County to get a permit, they have systems in place and this would be added at that time and not a new service.

Councilmember Federighi believed that by implementing the requirement at point of sale, there are already requirements and she believed this item could simply be another check-off requirement. Ms. Moore said she can talk to the County Building Inspector, but with what they were proposing, that this would not be an additional system they would have to develop and implement, but folded into what they are currently doing.

Mr. Reiser said when a permit is applied for, homeowners must have smoke detectors to add roofs, windows, or anything when they are signing off on the permit. This would be in that same vain and on their list of what to check when signing off on the permit. He believed that with only 218 re-sales, the point of sale for many reasons is ineffective, it could delay transactions, and could also simply not occur.

Vice Mayor Tatzin said the ordinance talks about the requirement to install the devices when the value of the permit is $15,000 or more. He questioned if this was included in the permit count, and Mr. Reiser said no, the number of permits is 1,657 which was given to them by the County. Vice Mayor Tatzin questioned how many permits deal with valuation less than $15,000, and Mr. Reiser said they did not have information to distinguish between them, but he could obtain it.

Ms. Moore said they are not proposing permits on remodels of $15,000 or more, but when any permit is pulled and not tied monetarily.

Vice Mayor Tatzin said members of the EPC were present and questioned what their recommendation is.

FRED LOTHRUP, EPC Chair, said they have tried to discuss the matter with Ms. Moore. It is true they have made their recommendation which is the source of the revised Ordinance 564. He believes the Ordinance contains both a point-of-sale requirement and a permit-retrofit requirement, so both sides are met. It is his opinion that people are much more likely to get the work done under a remodel than under a point of sale. He believes, therefore, that both views can be accommodated. He also noted there were

specific areas of the ordinance presented which were in opposition to their recommendations.

Vice Mayor Tatzin questioned and confirmed that the EPC, when participating in the many City events throughout the year, could distribute educational information if they were provided information.

JOHN STUART, EPC member, said he is a licensed mechanical engineer and retired from PG&E in gas design and construction side of PG&E. He said one concern and suggestion of his included the elimination of the seismic movement valve. The seismic valves were fairly expensive in the $100 area, plus installation. By eliminating that requirement, the cost to install an excess flow valve is about $10-$20 in parts and labor plus the cost for a contractor to perform the work. The draft ordinance talks about point-of-sale and voluntary installation at the point-of-sale requirement which was not clear to him. He believes that if someone is having work done on their gas piping, the draft ordinance shows a $5,000 trigger. He believes hot water heaters can move even when strapped and he did not consider them a non-fixed appliance and the real danger is the flexible connector which is dangerous and vulnerable.

Mayor Anderson said under the current draft ordinance, a strapped water heater would be considered a fixed appliance and he confirmed with Mr. Stuart his recommendation was that it be changed to be a fixed appliance because of problems and he suggested it refer to the flexible connector being exposed. Mr. Stuart said appliances he would consider as fixed would be a gas burner top where the likelihood of it shifting is minimal. Mayor Anderson questioned and confirmed with Mr. Stuart that he believed the $5,000 threshold was too high; that if someone had a hot water heater to replace, this would be an opportune time to require the excess flow valve.

Vice Mayor Tatzin referred to page 2 of 5 of the ordinance, Section 3-905 2-C-i:

> (i) More than five thousand dollars ($5,000) where fuel gas piping is involved in the alteration or addition. Alterations or additions to individual condominium or apartment units shall require an approved gas shut-off device to be installed only for each individual condominium or apartment unit that is being altered or added to; or

He questioned if Mr. Stuart would suggest rewording to indicate "where any fuel gas is involved." Mr. Stuart said this might be reasonable, but it should be clarified that if you are placing a gas appliance like a hot water heater, whether or not it involves piping.

Mr. Stuart said he made several notes on the draft ordinance and these will be covered in the next Commission meeting, and Mayor Anderson asked him for his comments now.

Page 1, Section 3-903, C, third line and suggested the following:

> (c) "Excess Flow Gas Shut-Off Device" shall mean those valves or devices that are not actuated by motion, but are activated by significant gas leaks, which can occur when pipes break or crack inside the structure. The design of the device shall provide a proven method to provide automatically for expedient and safe gas shutoff in an emergency. The design of the device shall provide a capability for ease of consumer or owner in a safe manner."

Mr. Stuart said the excess flow valves automatically reset, and he noted there were about 12 more amendments he had to the ordinance.

Mayor Anderson believes direction was needed regarding the trigger on the monetary value and point of sale question, and whether it should be all building permits or not.

Vice Mayor Tatzin believes that in terms of the building permits issued when fuel gas piping is involved, he suggested that all permits to be trigger when gas piping is involved, which should be changed under 3-905 B on page 2 and similarly under C on page 3.

Regarding point of sale, Vice Mayor Tatzin said the data presented tonight does not provide the Council with the kind of comparison we need to figure out when those occur, so he asked the Board of Realtors to determine how many permits were involved with gas piping and when they might hit the $15,000 trigger. Ms. Sinnette said back in April of 2007, she prepared a table which looked at three months of building permits, and 30% hit the $15,000 trigger for additions or new construction.

Councilmember Anduri said also interesting to know would be of the 218 homes sold, how many of them within 10 days of the sale had someone going in to get a permit for $15,000 or more to do remodeling the owners want to have done. He guessed you would pick up most of those 218 homes with subsequent permits.

Councilmember Anduri also referred to 3-905(b)(2)(C) i, this refers to non-fixed gas appliances which do not include water heaters. Mayor Anderson said the definition that precedes this under (d) "Non-Fixed Gas Appliance" talks about those that are strapped and being fixed, as excluded. He thought the Council should mention them as being exempt; that all water heaters would be put into that class.

Councilmember Anduri said the language presumably is standard throughout most of the state and there is a question as to what we do if we have our very own wording in Lafayette, and he asked that staff consider this point.

Vice Mayor Tatzin felt changes make this more restrictive with the exception of the type of device. Councilmember Anduri said he was more concerned with the definitional language and its description; if the wording is standard throughout the state, he was not sure if the City should make changes to it.

Mr. Reiser also noted that a good number of water heaters being installed these days are tankless and a lot of discussion in the ordinance refers to them being strapped as standard water heaters. Regarding resale sales, he will do his best to get the figures from CAR, but he questioned the percentage of sales that had permit work done to them, as they are going through a sales transaction, there is a question whether or not there has been any permit work done to the house. Councilmember Anduri said is there a permit within 6 months before or after the sale and he suspected that almost all of those 218 sales had permit work done before the house was sold, and Mr. Reiser said he will attempt to get that statistic, as well.

Vice Mayor Tatzin said when this came to the Council in 2006 he thought at that point every City had adopted the point-of-sale ordinance with the exception of Danville. Mr.

Reiser said no city has adopted the point-of-sale requirement except for the unincorporated Contra Costa County.

Councilmember Federighi questioned and confirmed that there is no way for the County to track whether or not the retrofit requirement is being done. He said the title company does not follow-up and check it, nor the County or the realtor.

Councilmember Federighi confirmed with Ms. Moore that the ordinance for the County states remodels of $15,000 or more require the device and it is checked through the inspection process, as well as during the point of sale. However, the County does not know how many are being done and they do not have a tracking system.

The Council agreed to table the item until more information was clarified and received.

ACTION: It was M/S/C (Tatzin/Anduri) to table the item indefinitely. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

BREAK
Mayor Anderson called for a break at 9:28 p.m. and thereafter reconvened the regular meeting at 9:37 p.m.

B. Ann Merideth, Community Development Director
Status report on the City's Environmental Strategy
Recommendation: 1) Reorganize the Environmental Strategy Task Force; 2) Direct staff to implement the sustainability suggestions for City offices where practical; and 3) Direct staff to develop a phased green building program.

Community Development Director Merideth said staff is providing a status report on the Environmental Strategy. They had a meeting with Task Force members, and everyone agreed a lot of progress was made since November 2006. Listed are tasks the Council adopted and major tasks that are done or close to being done. The Task Force wants to re-look at the list and take on more substantial projects.

Regarding next steps, the Task Force started out with broad-based representation to put together the Strategy; however, it has dwindled down to a few passionate people who meet because they enjoy working on the project. Half of the group is not on the Task Force. Mayor Anderson and Councilmember Anduri attend the meetings and she felt it would make sense to reorganize the Task Force and allow those interested in the subject to join while still offering current members the ability to stay on.

The two major tasks are coming up. The baseline and the action plan are being done in conjunction with ICLEI. All cities in the County are participating; results are shown with baseline emissions from 2005. The next step is for ICLEI to work with the cities to set their own individual targets and come up with an action plan to reduce those targets. State legislation AB 32 is setting targets for the entire state, and, according to ICLEI, the Air Resources Board is developing regulations and some day there will be mandates placed on local government to reduce emissions. The more work done now, the better off we will be. She has been impressed with ICLEI, they have done a lot of work, and the work is funded through a San Francisco Foundation grant.

The second task is a Council goal to develop a green building program. Staff has been looking at what other cities have been doing, and there is a push where all cities are now coming to the point of doing some sort of mandatory or voluntary program. They are interested in seeing what others are doing to come up with something regional so that when something comes in for a building permit, they know what to expect across the region. She said Lafayette is looking at starting up a voluntary program, to come up with a good ordinance, and then go into a mandatory program.

The last task was to come up with sustainability practices for City offices. The Intern over the fall worked on researching what other cities and governments do, and found that the states of Georgia and Tennessee have a lot of activity. Staff put together a list of sustainable office practices, discussed it with City employees, and it is something to gradually implement, such as ordering paper, bottled water, and other things.

Staff recommends the Council: 1) authorize a reorganization of the task force through an application process; 2) to approve the sustainability practices for City offices; and 3) authorize staff to proceed with a phased, green building program, start with voluntary and move to mandatory. This will be brought back prior to it starting.

Councilmember Federighi said AB 32 talks about reducing greenhouse gas emissions to 2000 levels and 1990 levels and asked how this could be measured if the baseline starts at 2005. She questioned if there will be a formula based on population. Ms. Merideth said 1990 was in the Kyoto agreement which is the ideal, but practically speaking the data is not going to be available. The Air District Board is putting together regulations, but ICLEI believes 2005 is a good number for local governments to work toward.

Councilmember Federighi believed that one difference would be for staff to use pencils when addressing the Council packet in order for the envelope to be re-used.

Councilmember Anduri said in terms of the application and interview process for the Task Force, he asked if he and Mayor Anderson should interview applicants and make a recommendation to the Council. Ms. Merideth said it is up to the Council as to how it would like to conduct the appointment. She said those faithful in attending meetings want to apply, and he confirmed with the Council that he and Mayor Anderson, as well as Councilmember Andersson, will interview interested applicants.

Councilmember Anduri thanked Ms. Merideth for taking the lead on the environmental work, as well as the work of the Intern.

ACTION: It was M/S/C (Anduri/Tatzin) to 1) Reorganize the Environmental Strategy Task Force; 2) Direct staff to implement the sustainability suggestions for City offices where practical; and 3) Direct staff to develop a phased green building program. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

C. Draft Letter to the San Francisco Bay Regional Water Quality Control Board
Recommendation: Authorize Mayor to sign and send letter to the San Francisco Bay Regional Water Quality Control Board.

Mayor Anderson said the issue came up at the last Mayors' Conference, it was surprising to see how little solid information the Agency had about results that had taken

place in the 10 years that we have already been practicing these methods, yet there was a concern about being sued by environmental agencies about not performing. He said Mayors were concerned about budgets and the ability to meet requirements and the Board had very little response. He confirmed the City Manager would be attending the upcoming meeting the next day and he would hand-deliver the letter to the SFBRWQCB.

ACTION: It was M/S/C (Anduri/Tatzin) to authorize the Mayor to sign and send a letter to the San Francisco Bay Regional Water Quality Control Board. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

10. PUBLIC HEARINGS

B. Niroop Srivatsa, Planning and Building Services Manager
GP01-06/RZ01-06CC: KO Architects (applicant), The Woodbury, LLC (owner), P1 Zoning: Request for approval to amend the planned unit development (1) reduce the project unit count from the approved eighty (80) units to a project of not less than sixty (60) units and (2) make minor changes to the building elevations. The site plan, building footprints and envelopes and landscaping plans will remain unchanged. Project Location: 3758 Mt. Diablo Blvd., APNs 241-010-024, 033, 034, 040.
Recommendation: Continue without consideration to the March 24th meeting.

C. Ordinance 571 to adopt Ordinance No. 2007-47 of the County of Contra Costa adopting the California Fire Code with amendments.
Recommendation: Continue without consideration to meeting of March 24, 2008.

ACTION: It was M/S (Tatzin/Federighi) to continue Items B and C without consideration to the meeting of March 24, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

11. CONSENT CALENDAR

Councilmember Federighi requested removal of Item 11F for discussion.

ACTION: It was M/S/C (Tatzin/Federighi) to remove Item 11F and approve remaining Consent Calendar Items A, C, D, E, G and H. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

A. City Council Minutes
February 25, 2008
Recommendation: Approve

B. Item Deleted: ~~Withdraw Ordinance 571 to adopt Ordinance No. 2007-47 of the County of Contra Costa adopting the California Fire Code with amendments.~~
~~Recommendation: Withdraw without consideration to allow City staff additional time to review the California Fire Code amendments.~~

C. Ordinance 572 amending Lafayette Municipal Code Section 8-3 to reflect the current practice of commission members electing chair and co-chair for the Emergency Preparedness Commission and decreasing the number of voting members.

Recommendation: Waive second reading and adopt Ordinance 572.

D. **Resolution 2007-047 adopting guidelines for conducting joint City Council, Planning Commission, and Design Review Commission pre-application meetings**
Recommendation: Adopt Resolution 2007-047.

E. **Central Contra Costa Transit Authority Agency Agreement**
Recommendation: Authorize the City Manager to sign the Central Contra Costa Transit Authority Agency Agreement.

G. **Agreement for Installation and Maintenance of Existing and New Landscaping between Mark and Laura Nathan and the City of Lafayette, located at 766 Las Trampas Road, APN 234-240-022.**
Recommendation: Accept agreement and authorize the City Clerk to record.

H. **Request to Sign & Stripe Trail Crossing on Glenside Drive (South)**
Recommendation: Direct Public Works Services Division staff to implement signing and striping improvements for the Lafayette-Moraga Trail crossing of Glenside Drive between Burton Drive and St. Mary's Road.

Item Removed for Discussion:

F. **Investment Report as of January 31, 2008 and Revenue/Expense Report as of January 31, 2008.**
Recommendation: Receive and file.

Councilmember Federighi questioned revenues and expenditures between July 1, 2007 and January 31, 2008 and asked Ms. Robinson to check on sales tax figures and the number of months it represents. Ms. Robinson reviewed major revenue sources, stating sales tax reflects 4 out of 12 payments or 1/3. The City received half of its property tax, the city received 4 out of 12 payments of franchise, and she spoke with Police Chief Hubbard about vehicle code fines, which is 6 out of 12 payments received. If they stay on pace, the City will only be at $80,000 when they budgeted $150,000. She said vehicle code fines have decreased down from $200,000 and staff will need to do more research on this. In Calendar Year 2007 the officers wrote more tickets than the prior year, but they do not seem to be on pace. She also believed that it could be linked to the type of citations written and police officers who used to write many citations who are no longer employed.

Councilmember Federighi said the Council was over budget on the expenditure side, and Ms. Robinson said the funds do not flow out in even amounts. There were two large expenditures; one was an $86,000 bill paid for the election last June and $75,000 for the lights at Acalanes High School, and the Council will be well within its budget for the year.

Councilmember Federighi questioned the park facilities and Ms. Robinson said the expenses were left over from the skate park which were paid out last summer, and no other large expenses were coming in from that account.

Vice Mayor Tatzin asked what the current discussions were at the State about how cities may be impacted, and City Manager Falk said during the last big revenue dip, the State

raided the cities and impacted cities negatively. In that aftermath the League of California Cities worked to place a constitutional protection Proposition 1A on the ballot which passed to protect city revenues. He went to the City Manager's Conference in February and Chris Mackenzie believes cities are well-protected from legislative raid on main revenue sources. However, there are some revenues like the COPS grant of about $100,000 a year and there is a high probability the City will not receive this. Proposition 1A also allows the Governor to declare a fiscal emergency and by doing so, withhold gas tax money that will go to cities, provided they have to pay it back within 3 years, which amount to about $460,000 for the next fiscal year. He said of most concern is the Redevelopment Agency which does not have the same protection cities have. However, the state has a problem because Redevelopment Agencies thrive and subsist on debt and it is difficult to see how the State could confiscate revenues that then has obligations to pay that to a debtor. The Executive Director of the California Redevelopment Agency feels Agencies will be protected. He said it is hard for him to believe that the Governor will let the schools hang out and believes there will be a deal struck, but cities were looking pretty good.

The bigger concern is the economy in general. There have been many foreclosures in the starter home areas in Contra Costa County and when people cannot sell their homes, it trickles up the ladder, and he would not be surprised if we see a slow down in housing transactions in Lafayette over the next year. During the 1990's, there was enough property devaluation and people were appealing their tax assessment, which showed a reduction.

He said he met with a banking expert who told him that currently in America, 10.3% of all American homeowners are under-water in their mortgage. If property values decline by 10%, more than 30% of all homeowners will be under water on their mortgages and the Federal Reserve is panicking and there is real risk in the economy for all cities.

ACTION: It was M/S/C (Tatzin/Federighi) to receive and file. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Councilmembers had no reports.

B. Councilmember Brandt Andersson
Approve draft letter introducing the Lafayette City Council Speakers' Bureau and schedule training for equipment and presentation.
Recommendation: Approve letter and schedule training.

Councilmember Tatzin made a motion to continue the item due to Councilmember Anderssen's absence.

Councilmember Anduri suggested looking at the titles of the presentations and said he would prefer to also offer a general one like, "Issues facing Lafayette", or "State of the City" because he would not know how to fix roads in Lafayette. City Manager Falk said Councilmember Anderssen wants Ms. Robinson, Mr. Coe and him to prepare a

PowerPoint presentation on each topic and hold a training session in order for the Council to properly deliver the message.

Councilmember Anduri said he thinks people might want a general state of the City, which will need to be updated constantly. City Manager Falk said he has done something like this for a few years and he can do this.

Councilmember Federighi said in terms of the list of organizations and businesses, she thinks they fall into categories, and would like to send out invitations first to groups that the Council does not normally interact with, such as churches and schools. Mayor Anderson agreed.

ACTION: It was M/S/C (Tatzin/Anduri) to continue the item to March 24, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

13. WRITTEN COMMUNICATIONS

A. Letter from Brian Griggs, President of the ALS Association Greater Bay Area Chapter, requesting an encroachment permit to install a temporary sign at the Buckeye Fields until the end of May 2008.
Recommendation: Approve the request.

Mayor Anderson said he attended the opening dedication of Buckeye Fields and it was well done. The sign will have a campaign for raising funds for ALS.

City Attorney Connali said it is within the Council's discretion to approve it and Ms. Srivatsa will ensure the sign complies with the permit.

Councilmember Tatzin questioned how the next request would be handled if the City approves this. City Manager Falk said this is the first outcome of the revised sign ordinance, and an encroachment permit is needed due to the sign being in the public right-of-way and a sign permit is needed because it is over 12 square feet. He voiced concern that the Council will see many of these from special event groups.

Mayor Anderson confirmed that the Council approves the encroachment permit, and the sign permit over 12 square feet is approved by the Planning Manager.

Councilmember Anduri confirmed with Ms. Merideth there were no banners in town anymore because staff has been performing code enforcement.

Mayor Anderson confirmed the banner is 4x8 feet, will be placed alongside the scoreboard at the ball field and not on the road and when someone hits a home run, the thermometer will move up.

Councilmembers discussed the fact that the Council would not approve the content or message of the sign, just the encroachment permit due to it being in the public right-of-way, the fact that the sign ordinance was not provided, approvals in the future, and the Council wanted to be able to review relevant parts of the old and new ordinance and suggested the item be continued.

ACTION: It was M/S/C (Tatzin/Federighi) to hold over the item to the next meeting. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

14. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting to Closed Session at 10:21 p.m. and thereafter to the next regular meeting on March 24, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Absent: Andersson).

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk